

### **Motion to Withdraw as Counsel for the Debtor**

Although the local rules do not specify a procedure for withdrawal as counsel, our division follows the procedures set forth in Colo. R. Civ. P. Rule 121, Section 1-1. Specifically, if you seek to withdraw as counsel, you must make reasonable efforts to give actual notice to the client that:

- a. You wish to withdraw;
- b. The court retains jurisdiction;
- c. The client has the burden of keeping the court informed where notices, pleadings, or other papers may be served;
- d. The client has the obligation to prepare for any hearings or trials in adversary proceedings or hire other counsel to prepare for such hearings or trials when there are pending hearing or trial dates;
- e. If substitute counsel is not hired, the client has the obligation to decide whether to respond to any motions that may be filed in his/her case after your withdrawal, to file a timely response, and to respond to any Orders of the court that require the client to respond;
- f. If the client fails or refuses to meet these burdens, the client may suffer possible default or dismissal of the bankruptcy proceeding;
- g. The dates of any pending proceedings, including trials and hearings on contested matters, and a warning that such proceedings will not be affected by the withdrawal of counsel;
- h. Service of process may be served upon the client at his/her last known address; and
- i. The client has a right to object to counsel's proposed withdrawal within 15 days of the notice.

You must prepare a written notification certificate stating that the above notification requirements have been met, including the manner by which notice was given to the client. The notification certificate should be filed with the court and a copy mailed to the client and all other parties.